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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,741	09/12/2003	Simon Tong	53051/288305	8303
40400 7590 02/22/2007 PATENT DEPARTMENT - 53051 KILPATRICK STOCKTON LLP 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101			EXAMINER LEWIS, CHERYL RENE A	
			ART UNIT 2167	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 02/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/661,741

Applicant(s)

TONG ET AL.

Examiner

Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006 and 23 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the applicants' communication, rce (request for continued examination under 37 cfr 1.114) received on November 21, 2006.
2. Claims 1-46 are presented for examination. Applicants have amended claims 1, 23, and 43. The applicants have added new claims 45 and 46.
3. Applicants' arguments with respect to claims 1-46 have been considered but are deemed to be moot in view of the new grounds of rejection.

INFORMATION DISCLOSURE STATEMENT

4. The information disclosure statements filed on January 23, 2007, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

and under 37 cfr 1.114) received on November 21, 2006.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

and the grounds of rejection.

6. Claims 1 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim limitations recite a "first article" and a "population signal". The claim limitations do not state what the "article" and "signal" are representative of. In other

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words, the examiner recommends that the applicants kindly amend the claim limitations to recite "wherein" the first article and population signal are these particular data items.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Nickerson et al. (Patent No. 6,928,392 B2 filed February 3, 2003, hereinafter Nickerson).

9. Regarding Claims 1 and 23, Nickerson teaches collecting a user response to an explicit question specifically concerning a particular web page of a website.

The method and associated system for collecting a user response to an explicit question specifically concerning a particular web page of a website as taught or suggested by Nickerson includes:

receiving a search query (Abstract, lines 1-17, col. 4, lines 35-63, col. 6, lines 1-30); determining a first article associated with the search query (col. 10, lines 15-50); and determining a first ranking score for the first article based at least in part on data (col. 12, lines 23-43); determining a population signal (col. 12, lines 23-43) for the first

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article based at least on the population group (col. 6, lines 1-30); and outputting a search result comprising the first article (col. 13, lines 44-67, col. 14, lines 1-35).

10. Regarding Claims 2, 24, and 28, Nickerson teaches determining a first population associated with the search query comprises determining a demographic data associated with a sender of the search query (col. 4, lines 35-63).

11. Regarding Claims 3 and 25, Nickerson teaches determining the demographic data associated with the sender comprises determining a likely geographic location for the sender (col. 6, lines 1-30).

12. Regarding Claim 4, Nickerson teaches determining the likely geographic location for the sender comprises determining at least one of the following: demographic data input by the sender (col. 6, lines 1-30).

13. Regarding Claims 5 and 27, Nickerson teaches the demographic data for the sender comprises determining at least one of the following: a country (col. 6, lines 1-30).

14. Regarding Claim 6, Nickerson teaches the first population associated with the search query comprises determining a demographic data associated with the search query (col. 6, lines 1-30).

15. Regarding Claims 7 and 29, Nickerson teaches determining the demographic data associated with the search query comprises at least one of the following: determining the language of the search query (col. 6, lines 1-30).

16. Regarding Claims 8 and 30, Nickerson teaches the first population associated with the search query comprises determining a self-identification data associated with a user transmitting the search query (col. 6, lines 1-30).

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17. Regarding Claims 9 and 31, Nickerson teaches the self-identification is selected from at least one of the following user preference data (col. 6, lines 1-30).

18. Regarding Claims 10 and 32, Nickerson teaches the search query comprises determining an automatic-identification data associated with a user transmitting the search query (col. 6, lines 1-30).

19. Regarding Claims 11, 26, and 33, Nickerson teaches the automatic-identification data comprises at least one of the following an IP address (col. 13, lines 44-67, col. 14, lines 1-35).

20. Regarding Claims 12 and 34, Nickerson teaches a selection score for the first article (col. 13, lines 44-67, col. 14, lines 1-35).

21. Regarding Claims 13 and 35, Nickerson teaches the selection score for the first article in the context comprises a number of clicks for the article (col. 13, lines 44-67, col. 14, lines 1-35).

22. Regarding Claims 14 and 36, Nickerson teaches the first population comprises a number of members of the population (col. 6, lines 1-30).

23. Regarding Claims 15 and 37, Nickerson teaches the number of members of the first population comprises a number of members of the first population that selected a result returned for the search query (col. 6, lines 1-30).

24. Regarding Claims 16, 17, 38, and 39, the limitations of these claims have been noted in the rejections of claims 14 and 15 presented above. They are therefore rejected as set forth above.

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25. Regarding Claims 18-20 and 40-42, the limitations of these claims have been noted in the rejections of claims 1, 12, and 18 presented above. They are therefore rejected as set forth above.

26. Regarding Claims 21 and 43, Nickerson teaches determining a second article associated with the search query (col. 13, lines 44-67, col. 14, lines 1-35); and determining a second ranking score for the article based at least in part on the data (col. 13, lines 44-67, col. 14, lines 1-35).

27. Regarding Claims 22 and 44, Nickerson teaches ranking the first article and the second article based at least in part on the first ranking score and the second ranking score (col. 13, lines 44-67, col. 14, lines 1-35).

NAME OF CONTACT

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

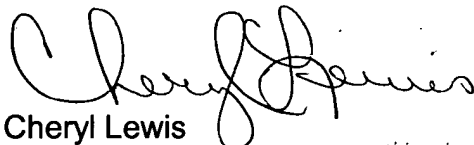
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis
Patent Examiner
February 20, 2007